

CITY COMMISSION MINUTES

May 4, 2010

7:00p.m.

The regular meeting of the Junction City City Commission was held on Tuesday, May 4, 2010 with Mayor Mike Rhodes presiding.

The following members of the Commission were present: Terry Heldstab, Scott Johnson, Mike Rhodes, Ken Talley, and Jack Taylor. Staff present was: City Manager Gerry Vernon, Interim City Manager Mike Guinn, City Attorney Catherine Logan, and City Clerk Tyler Ficken.

GENERAL DISCUSSION

Scott Johnson of 602 Stone Ridge Drive. Terry Heldstab made a comment at the end of the last meeting that he wanted to respond to. He stated that the monkey comments were for past management and the Commission. Commissioner Johnson stated that the Commission does not receive correct information from City staff, and the Commissioners do not correct it. The City Commission approved and paid for a sign at a strip club. He stated that if Ft. Riley did not like the sign, then the establishments should have been banned by the Fort. Commissioner Johnson stated that when the Commission is voting, the Commissioners need to know amounts to the penny. He stated that he was glad to have this time to set the record straight. Mayor Rhodes stated that commissioner Johnson would also have time during Commissioner Comments.

John Stewart, 20 year property owner on Spruce Street. He stated that he asked two months ago for street budget numbers; he has not received the information. He stated that he was hoping for more transparency. He stated that after listening to channel 27 News one evening, he thought it was depressing for a City Commissioner to blame the Military and state for financial problems. He stated that 2/3 of the mill will go toward debt payments in the future. He stated that he hopes road funds and stormwater funds are not being used to pay debt service. He said it is time to stop blaming people and move on.

Mark Edwards, He stated that he had asked about special assessments, and was told there would be another hearing; now has heard that there is not going to be another hearing. He stated that he would like to know when that decision was made. City Attorney Logan stated that she has asked Joe Norton, the City's bond counsel to answer this question. Joe Norton stated that the Commission passed an Ordinance authorizing the current procedure. The ordinance states that the City Attorney makes adjustments to the assessment amounts. Joe Norton stated that there is not a statutory requirement for another public hearing. Joe Norton stated that in the future, projects outlined in the Varney report would have additional public hearings. Mark Edwards stated that he was assured by the Commission that there would be another public hearing. City attorney Logan stated that the Varney Report made it clear which projects will require additional public hearings in the future. Mark Edwards stated that

he was left with the impression that there would be another public hearing. City attorney Logan stated that additional public hearings may have been Mr. Edwards' impression, but was not stated. Mayor Rhodes stated that it was his impression was that public hearings would be held for projects that had discrepancies, and look at all projects to make sure there are not problems. Commissioner Johnson stated that he thought the major issue was with Nicole Lane; the City passed an ordinance. Commissioner Johnson stated that things are being shoved through by people who have not gotten things right.

Debra Johnston 1320 McFarland. She stated that she sent the BKD report went JAG. The military is looking into what is being done on reassessments that have not happened.

John Clark 2460 Fox Sparrow Court. He has a list of questions regarding drainage issues at Sutter Woods. He said he would like to start to get some answers. The Commission needs to be aware of these safety issues. Mayor Rhodes stated that he gave his contact information to Mr. Pollack; he would like to meet.

Jeffrie Pollock 2444 Fox Sparrow Court. He stated that there is soil runoff at his property; he is losing land and maybe more. He stated that there was a child that went into the sewer, and there is substandard lighting. He stated the area should be in better shape for the amount in specials that is being paid. There are many empty lots and the City should be blighted. He stated that kids in the area have nothing to do. Mr. Pollack stated that he did not hear from the Mayor by way of e-mail. He asked the Commissioner to come take a look. Commissioner Johnson stated that the land behind this home is owned by Core first Bank. The soil erosion is probably an EPA violation. Commissioner Johnson stated that with the funding made available to Big D a Garden of Eden should have been built out there. City Attorney Logan stated that the City could enforce violations and does not take on private causes of action. Mr. Pollack asked who would be responsible when a child gets hurt due to the conditions. Commissioner Taylor asked who is responsible for the sunken area. Assistant City Manager Guinn stated that he would look into it.

Cornelia Pollock 2444 Fox Sparrow Court. She said she has never seen such a land debacle. There are no signs for subdivisions. Area is beginning to look bad. Spring Valley road lights are not working; there will be burglars. Children are going into sewers. What is a child drowns? House payments have gone up hundreds of dollars per month; the area is going to end up being rentals.

Dan Mackison with the US Census Bureau. Wanted to let people know that Junction City is short 100 Census workers. Mayor Rhodes will have staff check into posting advertisements vs. information. Commissioner Johnson asked about the response rate. Commissioner Johnson stated that people need to get responsible, and send in information. Commissioner Talley stated he received two forms. Mr. Mackison stated that it was normal. Mr. Mackison stated that the positions pay \$13.00/hr, and \$.50 per mile.

CONSENT AGENDA

Approval of the **April 20, 2010** City Commission Meeting Minutes; approval of the **April 13, 2010** Special City Commission Meeting Minutes. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve the consent agenda. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval of **Appropriation Ordinance A-9-2010** dated April 15 to April 28 in the amount of \$376,016.83. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve the consent agenda. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried

Update to the Commission regarding the outcome of their directive to Charlesworth & Associates to negotiate the City's **property and liability insurance** for the period of May 15, 2010 through May 14, 2011 to a lower rate. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve the consent agenda. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried

APPOINTMENTS

The consideration and approval to appoint **Mary Burnham** as a City representative to the Junction City – Geary County Health Department Board for a term of 3 years ending April 2013. Commissioner Talley moved, seconded by Commissioner Taylor to appoint **Mary Burnham** as a City representative to the Junction City – Geary County Health Department Board for a term of 3 years ending April 2013. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval to appoint **Cecil Aska** to the Junction City Housing Authority Board for a term 4 years ending April 2014. Commissioner Talley moved, seconded by Commissioner Heldstab to appoint **Cecil Aska** to the Junction City Housing Authority Board for a term 4 years ending April 2014. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval to appoint two people to the Dorothy Bramlage Public Library Board of Trustees: (1) **Adam Litzinger** for a term of 4 years ending April 2014, and (2) **Laurie Crites** for a term of four years ending April 2014. Commissioner Heldstab moved, seconded by Commissioner Taylor to appoint **Adam Litzinger to the** Dorothy Bramlage Public Library Board of Trustees for a term of 4 years ending April 2014. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried. Commissioner Heldstab moved, seconded by Commissioner Talley to appoint **Laurie Crites to the** Dorothy Bramlage Public Library Board of Trustees for a term of 4 years ending April 2014. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

SPECIAL PRESENTATIONS

To proclaim the week of May 9 to 15 **National Police Week** and May 15th Peace Officers' Memorial Day.

To proclaim the week of May 16 to 22 **National EMS Week** in our local community.

To proclaim the month of May as **Mental Health Month** in Junction City.

UNFINISHED BUSINESS

The consideration and **approval of final execution of documents** for the sale of 909 S. Washington. **Assistant City Manager Guinn Presenting.** Assistant City Manager Guinn clarified that the City had paid \$355,000 for the land instead of \$178,000, as was stated at the last meeting. Commissioner Johnson stated that he is in favor of selling City property, but he does not like the prices the City purchased the land for. Commissioner Johnson moved, seconded by Commissioner Taylor to approve **final execution of documents** for the sale of 909 S. Washington. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval of Ordinance **G-1066** amending title IV, Land Use, Chapter 445, Amendments, of the Municipal Code of the City of Junction City by adding Article V, Special Use Permits, including language regarding placement of commercial communication towers; certain deletions from other sections of the Zoning Regulations concerning towers are also being done. **(Final Reading) David Yearout Presenting.** Commissioner Talley moved, seconded by Commissioner Heldstab to approve G-1066 on final reading. Ayes: Heldstab, Johnson, Talley, Taylor. Abstain: Rhodes. Nays: none. Motion carried.

Consideration and approval of **S-3079** an ordinance authorizing and providing for the issuance of general obligation refunding and improvement bonds, series DW and taxable general obligation refunding and improvement bonds, series DX, of the City of Junction City, Kansas; providing for the levy and collection of an annual tax for the purpose of paying the principal of and interest on said bonds as they become due; authorizing certain other documents and actions in connection therewith; and making certain covenants with respect thereto **(Final Reading)**. David Arteberry stated that the approval would be the final step for the City on this bond sale process. He stated that the City could save \$1.3 million by purchasing bond insurance. David Arteberry stated that he was very pleased with the interest rate of 4.37% on the non-taxable bonds. Commissioner Rhodes asked if the City's rating helped get a lower interest rate. David Arteberry stated that it did. Commissioner Taylor asked if the City could refinance at a lower rate in the future. David Arteberry stated that the City would have that option. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve S-3079 on final reading. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

NEW BUSINESS

The consideration and approval of **R-2601** a resolution prescribing the form and details of and authorizing and directing the sale and delivery of general obligation refunding and improvement bonds, series DW and taxable general obligation refunding and improvement bonds, series DX of the City of Junction City, Kansas, previously authorized by ordinance No. S-3079 of the issuer; making certain covenants and agreements to provide for the security and payment thereof; and authorizing certain other documents and action connected therewith. Commissioner Johnson asked why the Commission needs to approve the sale if it has already been made. David Arteberry stated that the bonds had not yet been sold to investors. Commissioner Johnson asked if local banks have purchased any of the bonds. Joe Norton stated that the bonds are sold to George K. Baum who then in turn sells the bonds. Commissioner Heldstab moved, seconded by Commissioner Taylor to approve R-2601. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval of Ordinance **G-1070** to repeal Article II of Chapter 235 Title II of the noxious weed ordinance. **(First Reading) Assistant City Manager Guinn Presenting** (Item pulled for the May 18, 2010 agenda).

The consideration and approval of installation of a **3-way stop at Jackson and 18th Street** at a cost of \$2,961.01; funds would come from Veolia Water traffic budget. **Assistant City Manager Guinn Presenting.** Commissioner Talley stated that he would like there to be extra warning flags at the intersection after the change. Assistant City Manager Guinn stated that there would be flags for 30 days. Commissioner Talley stated that he was pleased with how the Spring Valley intersection stop sign was handled. Commissioner Taylor moved, seconded by Commissioner Johnson to install a **3-way stop at Jackson and 18th Street** at a cost of \$2,961.01 with funds coming from the Veolia Water traffic budget. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval to **apply for a new 523 Grant** from USDA Rural Development in the amount of \$324,000.00 for 18 new Self-Help Housing homes. Commissioner Johnson asked if there is an effort to purchase materials locally. Mr. Pfizenmaier stated that there is a bid process when purchasing materials. Commissioner Johnson asked if the home prices in these projects are comparable to other homes for sale in town. PJ Nearing stated that it appears to be a great program; there is a tight budget; sweat equity adds to lower payments; 502 loans are not available to those who would approach a commercial builder. Commissioner Heldstab stated that he thinks the areas look very nice now, and commented that it is a great program. Mayor Rhodes said thanks for the presentation. Assistant City Manager Guinn stated that there have been 59 homes built, and no defaults. Commissioner Taylor moved, seconded by Commissioner Johnson to **apply for a new 523 Grant** from USDA Rural Development in the amount of \$324,000.00 for 18 new Self-Help Housing homes. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval to accept a \$7,875.00 grant award from the Kansas Board of **EMS KRAF Grant program**. Commissioner Heldstab moved, seconded by

Commissioner Talley to accept a \$7,875.00 grant award from the Kansas Board of **EMS KRAF Grant program**. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval to resubmit **application to FEMA** for a grant award to fund a 100' Aerial platform truck for the Junction City Fire Department. Commissioner Johnson asked if matching funds are required if the grant is received. Chief Steinfort stated that there is a ten percent match. Commissioner Johnson stated that if the truck is needed for the Bluffs and Value Place, maybe they could help pay for it. Mayor Rhodes stated that the truck would be for the whole community. Commissioner Taylor asked if the old truck would be sold. Chief Steinfort stated that if the City received the grant, the current truck would be required to be put out of service unless it was modified. Commissioner Heldstab asked if the City could continue to use the old truck if the City received the grant. Chief stated that the truck could not be used unless it was modified to compliance. Commissioner Johnson asked if the truck would fit in the station. Chief Steinfort stated that the truck would be built to fit inside the building. Commissioner Heldstab moved, seconded by Commissioner Talley to resubmit **application to FEMA** for a grant award to fund a 100' Aerial platform truck for the Junction City Fire Department. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

The consideration and approval to install a **Purple Heart Monument** at Heritage Park. Commissioner Taylor asked if the monument would be for Dickenson County too. George Smith stated that the monument would be for Dickenson County as well. He also stated that the City would not be responsible for the cost or maintenance of the monument. Commissioner Taylor moved, seconded by Commissioner Johnson to approve installation of a **Purple Heart Monument** at Heritage Park. Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: none. Motion carried.

COMMISSIONER COMMENTS

Commissioner Johnson stated that he liked that there were so many 5-0 votes.

Commissioner Heldstab stated that he thinks the park is going to look nice. He would like there to be a public comment period on items such as the monument in the future.

Commissioner Taylor stated that there will be a public budget hearing for the Southwest and Southeast City districts, but that the event is open to everyone.

Commissioner Talley asked to hear about the parking situation at Franklin School and about Safe Routes to Schools. Assistant City Manager Guinn stated that three parking options had been presented to Mrs. Gibson who will provide the information to Mr. Walker. He stated that HWS had been contacted on the continuation of the Safe Routes to school project.

Commissioner Heldstab stated that he and Commissioner Talley would also hold a budget meeting.

Commissioner Talley stated that he enjoyed speaking with students at Cloud County Community College. Commissioner Taylor thanked Commissioner Talley for representing the City.

Commissioner Taylor asked if Edenspace ended up receiving the funds they expected. Wayne Mahieu of Edenspace stated that the City's approval resulted in the Edenspace receiving additional funding.

STAFF COMMENTS

City Manager Vernon stated that interviews for the Finance Manager position would be on Friday May 7, 2010. He also stated that an item for a new City website would be on the next agenda.

Assistant City Manager Guinn stated that a water line upgrade on 6th Street is for the new 12-plex. The line is being changed from 4 inch to 6 inch pipe. He stated that the City and County has been re-designated to be included in an area to receive winter storm assistance funding from FEMA for the past winter. Commissioner Taylor asked if the amount for this reimbursement was \$186,000. Assistant City Manager Guinn stated that he did not have the information with him.

ADJOURNMENT

Commissioner Talley moved, seconded by Commissioner Heldstab to adjourn at 8:50 PM Ayes: Heldstab, Johnson, Rhodes, Talley, Taylor. Nays: None. Motion Carried.

APPROVED AND ACCEPTED THIS 18th DAY OF MAY 2010 AS THE OFFICIAL COPY OF THE JUNCTION CITY CITY COMMISSION MINUTES FOR May 4, 2010.



Tyler Ficken, City Clerk

Mike Rhodes, Mayor